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TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3764/Examiner Michael Brown

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/685,776

Gary Karlin Michelson

Filed: October 15, 2003

**METHOD FOR FORMING THROUGH A GUARD
AN IMPLANTATION SPACE IN THE HUMAN
SPINE**

Attorney Docket No. 102.0001-13000

Customer No. 22882

Confirmation No.: 6323

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 9

Date: January 20, 2006

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Information Disclosure Statement with Form PTO-1449 and 1 document (including translation) are being facsimile transmitted to the U.S. Patent and Trademark Office on January 20, 2006.



Sandra L. Blackmon

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PATENT
Attorney Docket No. 102.0001-13000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gary Karlin Michelson
Serial No.: 10/685,776
Filed: October 15, 2003
For: METHOD FOR FORMING THROUGH
A GUARD AN IMPLANTATION SPACE)
IN THE HUMAN SPINE)

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Group Art Unit: 3764
Examiner: Michael Brown

JAN 20 2006

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A copy of the listed non-U.S. patent document is attached.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

An English translation of the non-English document is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claim in the application and Applicant determines that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 20, 2006

By: 

Thomas H. Martin
Registration No. 34,383

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OMB 0651-0031